

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION
ON S. 1288 AND H.R. 4743, 87TH CONGRESS, 1ST SESSION,
IDENTICAL BILLS TO AMEND SECTION 362(b) OF THE COM-
MUNICATIONS ACT OF 1934

S. 1288 and H.R. 4743 would amend Title III, Part II of the Communications Act of 1934, as amended, by adding to Section 362(b) the following:

"The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held; Provided, That such waiver may not exceed a period of thirty days."

Equipment and apparatus required to be installed by Title III, Part II of the Act is required by Section 362(b) to be inspected at least once every twelve months. S. 1288 and H.R. 4743 would authorize the maximum permissible time lapse between inspections to be more than twelve months.

The Commission has no objection to the introduction of an element of flexibility into the provisions of Section 362(b). In the past, there have been instances of difficulty arising because of the inflexibility of Section 362(b) and the lack of inspection facilities in certain ports. The parallel requirements of the Convention for the Safety of Life at Sea permit some inspectional leeway to administrations in connection with radio equipment compelled to be installed by the Convention. The Commission contemplates that the waiver provision would generally be exercised only in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of an inspection, including travel time, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The language of S. 1288 and H.R. 4743 is as was suggested by the Commission in our comments on S. 3496, 86th Congress, 2nd Session.

The Commission favors enactment of this legislation.

Adopted: March 29, 1961